IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1748 OF 2005

Mr.Gunanidhi Daitari Acharya & Ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr.Rahul S.Thakur for Applicants.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MARCH 22, 2005.

P.C.

1. Heard Counsel for the parties.

2. Learned A.P.P. fairly accepts that the only evidence is the statement of the complainant, pointing out allegation against the Applicants. All other witnesses have denied such incident inviting offence of Section 395 of the Indian Penal Code has taken place.

3. In this peculiar situation, instead of going into the contentious issues raised, the Application is disposed of with direction to the Investigating Officer to give 72 hours notice to Applicant as and when he decides to arrest the Applicant in connection with the alleged offence under Section 395 of the Indian Penal Code, after collecting the relevant materials to indicate the complicity of the Applicant in that behalf.

4. Application disposed of on the above terms.

A.M.KHANWILKAR, J.